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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/717,775	11/20/2003	John A. Griego	1001.1719101 8387	
	7590 01/28/201 SEAGER & TUFTE, L	EXAMINER		
1221 NICOLLE		PRONE, CHRISTOPHER D		
SUITE 800 MINNEAPOLI	S, MN 55403-2420	ART UNIT	PAPER NUMBER	
			3738	
			MAIL DATE	DELIVERY MODE
		01/28/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application N	pplication No. Applicant(s)					
Office Action Summary		10/717,775		GRIEGO ET AL.				
		Examiner		Art Unit				
		CHRISTOPHE	R D. PRONE	3738				
The MAILING DATE of t Period for Reply	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) Pesponsive to communi	cation(s) filed on 04 De	ecember 2000						
2a) ☐ This action is FINAL .	Responsive to communication(s) filed on <u>04 December 2009</u> . ☑ This action is FINAL . 2b) ☐ This action is non-final.							
'=	<i>'—</i>			socution as to the	morite is			
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closed in accordance wi	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4) Claim(s) <u>1,5-7,20-37,39</u>	. <u>40 and 42-50</u> is/are pe	ending in the a	oplication.					
		_	· ·	on.				
•	4a) Of the above claim(s) <u>5,6,20-36 and 44-50</u> is/are withdrawn from consideration. ☐ Claim(s) is/are allowed.							
6) Claim(s) 1,7,37,39,40,42		4						
7) Claim(s) is/are ob								
8) Claim(s) are subj	-	r alaction requ	romont					
o) Claim(s)are subj	ect to restriction and/or	i election requ	rement.					
Application Papers								
9)☐ The specification is object	cted to by the Examine	r.						
•	-		biected to by the E	Examiner.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
•					ER 1 121(d)			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
Attachment(s) 1) Notice of References Cited (PTO-89) 2) Notice of Draftsperson's Patent Draftsperson's Patement(s) 3) Information Disclosure Statement(s) Paper No(s)/Mail Date	wing Review (PTO-948)	4) [5) [6) [Interview Summary Paper No(s)/Mail Da Notice of Informal P Other:	te				

DETAILED ACTION

Priority Date

The priority date of this application is its filing date, 11/20/03.

Status of Claims

Claims 2-4, 8-19, 38, and 41 are cancelled. Claims 1, 5-7, 20-37, 39, 40, and 42-50 are pending, of which claims 5, 6, 20-36, and 44-50 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 37, 39, 40, and 43 are rejected under 35 U.S.C. 103 as being unpatentable over Kline USPN 5,376,094 in view of Savage USPN 6,530,899 B1.

Kline discloses the invention substantially as claimed being a surgical snare device comprising a tubular sheath 14 having a handle 10, a shaft 12 that is slidable within the sheath, a snare loop 20 having a plurality of legs attached at the end of the shaft that is slidable within the sheath moving it from an expanded position to an unexpanded position. However, Kline does not disclose a swivel connection between the shaft and snare loop.

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Savage teaches the use of a swivel connection between two elements comprising a bearing encased in a housing [3:44-49] in the same field of endeavor for the purpose of preventing kinking of flexible medical hoses.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the crimp connection of Kline with the bearing swivel connection comprising a swivel housing and bearings as taught by Savage in order to allow easy rotation without kinking of the cables.

Claims 7 and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kline in view of Savage as applied to Claims 1, 3, 37, 39-41, and 43 above, and further in view of United States Patent 4,326,530 Fleury Jr.

Kline as modified by Savage discloses the invention substantially as claimed being described supra. However, the combination does not disclose that the surgical loop includes a braid.

Fleury Jr teaches the use of a surgical loop comprising a braid in the same field of endeavor for the purpose of providing a loop with enhanced fidelity giving the user a better feel for what is happening with the loop.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the braided loop of Fleury Jr with the surgical snare device of Kline as modified by Savage in order to provide a loop with enhanced fidelity.

Response to Arguments

Applicant's arguments filed 12/4/09 have been fully considered but they are not persuasive. The applicant argues that Savage fails to correct the deficiencies of Kline because it does not disclose a bearing disposed within a swivel body. The applicant supports this argument by citing the figures and reference numbers of Savage. However Savage clearly states in the specification [3:44-49], and cited by the rejection, that the device can include other attachment joint designs such as a "bearing encased in a housing member". A housing member can inherently be called a swivel body.

wire 184. Although a ball and bushing have been utilized in the preferred embodiment, other designs which allow housing 122 to swivel or rotate about attachment joint designs may be used (e.g., a bearing encased in a housing member, etc.).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER D. PRONE whose telephone number is (571)272-6085. The examiner can normally be reached on Monday through Fri 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher D Prone Examiner Art Unit 3738

/Christopher D Prone/

/Corrine M McDermott/

Supervisory Patent Examiner, Art Unit 3738